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VOLUME XXXII.

# The Sentinel-Record.

THE ONLY NEWSPAPER IN HOT SPRINGS THAT RECEIVES THE FULL ASSOCIATED PRESS REPORT OVER LEASED WIRES.

HOT SPRINGS, ARKANSAS, SATURDAY MORNING, APRIL 11, 1914.

## WEATHER FORECAST

Washington, April 10.—Forecast for Arkansas: Rain Saturday, colder at night; Sunday fair in west, clearing and colder in east portion.

NUMBER 138

## SENSATION IS SPRUNG IN CASE OF THE GUNMEN

TWO NEW WITNESSES MAKE AFFIDAVIT THAT SCHEPPS, VALLON, WEBER AND ROSE WERE IN THE GRAY MURDER CAR THAT SPED FROM SCENE OF ROSENTHAL MURDER.

## TRIAL JUDGE INTERFERES FOR NEW TRIAL

Issues Order Against District Attorney Whitman to Show Cause Why New Trial Should Not Be Granted the Gunmen—New Testimony Causes a Sensation.

New York, April 10.—Supreme Court Justice Goff tonight signed an order making it mandatory for District Attorney Whitman to show cause why the four gunmen now in Sing Sing awaiting death for the part they played in the murder of Herman Rosenthal, the gambler, should not be granted a new trial.

The order is returnable before Justice Goff, who presided at the trial of the gunmen, at noon tomorrow, and was obtained on the ground of newly discovered evidence.

This new evidence, in the form of affidavits, was presented to Justice Goff by Charles G. F. Wahle, of counsel for the condemned men. The signer of one swore that a man he could identify and who was not one of the gunmen, was in the firing party whose shots killed Rosenthal. The other declared he saw Sam Schepps, "Bridgie" Weber and Harry Vallon, the informers, in the car that raced away from the scene of the shooting in front of the Metropole hotel.

The order was served on District Attorney Whitman tonight and preparation of arguments to show why the gunmen should not be granted a new trial was begun immediately. A sharp legal battle is expected before Justice Goff when the order is returned.

The two principal affidavits Wahle filed for Justice Goff to consider before the latter signed the order were those of William Burwell of Waterbury, Conn., a professional billiard player, and Karl Dressner, a New York bartender.

Burwell in his affidavit says that on the night Rosenthal was shot, shortly before 2 a. m., he passed the door of what then was the Cadillac hotel, next to the Metropole, in front of which Rosenthal was shot.

"Just as I passed the door a man not five feet away from me raised his arm," his affidavit continued. "There were two flashes, two reports and the man with the revolver fled across the street toward the stage door of the Cohan theater. Right in front of that door a gray touring car was standing. Several men were in it. As the man who fired the first two shots fled for the automobile, there were two or three more reports and then the man who had come from the hotel met them. Rosenthal dropped to the sidewalk. I cannot say whether the last shots came from men standing in the street or men sitting in the automobile."

In the excitement that followed the shooting, Burwell said he saw a policeman coming his way and determined it was best not to get mixed up in the affair. He left for Bridgeport on the first train he could get.

"Today I have been shown photographs of the men who are under death sentence," his affidavit concluded. "The man who fired the first two shots at Rosenthal was not one of these four. I can identify him any time I see him. I am willing to go into court and testify to these facts."

Dressner in his affidavit tells of having been acquainted with Weber, Vallon, Schepps and Rosenthal and goes on to relate that early in the morning of July 13, three days before Rosenthal was killed, he saw Rose, Vallon and Weber standing in front of the Garden cafe on Fifteenth street.

"The three were not more than five feet away from me," his story continues.

"Then I saw Herman Rosenthal, a woman, I believe was his wife, and a short, stout man come from the Seventh avenue door of the cafe. It was then between 1 and 2 o'clock in the morning. I heard Rose say to Harry Vallon: 'There he is now. Go put it over him.' I knew Rose's reputation and also what was meant by the expression, 'put it over him.' I immediately crossed the street to

avoid trouble. When I reached the other curb I turned round and saw Rosenthal and his party walking down Seventh avenue. Weber and Vallon were still standing on the corner."

At the trial of Former Police Lieutenant Becker, Rose testified that he knew the gunmen in front of the Garden and that it was their intention to kill Rosenthal that night. Rose said, however, that he saw a man who looked like a detective and the killing was called off. Dressner said he had failed to tell his story before trial because he was in fear of being killed as a "squealer." In his affidavit he goes on as follows:

"Shortly before 2 o'clock on the morning of July 16, I was standing on the steps of the Elks' club, in Forty-third street, diagonally across the street from the Metropole. I heard shots and a moment later a gray automobile rushed past. On the running board of the car I saw Sam Schepps, Shapiro, whom I have known for years, was driving the car. In the machine I saw Harry Vallon and Bridgie Weber. I do not know whether there were any other men in the car."

**Condemned Men Weep.**  
Osinning, N. Y., April 10.—The four gunmen condemned to death for the killing of Herman Rosenthal were notified by Warden Clancy late tonight of Justice Goff's order permitting argument as to a new trial. At first they seemed stunned and incredulous. "Dago Frank" even asked that he be allowed to sleep undisturbed.

Impressed as they had been with the finality of their doom, they grasped but slowly details that the warden gave. When they understood that the order might mean a reprieve, three of the men wept.

Warden Clancy at midnight remained closeted with State Superintendent of Prisons John B. Riley and three men who visited the prison twice today in an automobile from New York. The identity of the men could not be learned. Significance was attached to Riley's visit. It was hinted that the subject of his conference was a possible delay of the execution. No statement was given out, however.

**WESTERN SETTLEMENT.**  
Is Urged Through State Control of the Public Lands.

Denver, Col., April 10.—Speedy settlement of the remaining public lands in western states with a view to complete jurisdiction by every state of all land within its borders was urged on congress late today by the western governors' conference.

While the governors were preparing to close their conference with the adoption of resolutions, the irrigation conference debated ways and means of raising money for irrigation projects.

John D. Reavis, of California, presented two resolutions, one providing for the use of reclamation funds in the states in which land is sold, the other providing for the loan of government funds to farmers under the supervision of joint state and federal boards. No action was taken.

A resolution was read as having been adopted by the California delegation endorsing Secretary Lane and the work of the department of the interior. Similar statements were made in behalf of the Nebraska delegation.

**CONFERENCE OF GOVERNORS.**

Madison, Wis., April 10.—The seventh annual conference of governors will be held here beginning June 9, Miles G. Riley, secretary of the conference, announced today. Twenty-five governors have already promised to attend and a number of former governors are expected. The conference will meet in Milwaukee one day,

## GLYNN WILL NOT CHANGE

GOVERNOR GLYNN REFUSES TO ENTERTAIN REPORTED ALIBI FOR FRANK CIOFICI.

SAYS NOTHING NEW IN IT

Wife of Attorney for Defense Calls With Condemned Man's Wife and Glynn Receives Only the Former in Executive Audience.

Albany, N. Y., April 10.—A memorandum of the case of the four gunmen convicted of killing Herman Rosenthal setting forth, in the main, a reputed alibi for "Dago Frank" Ciofici, forwarded to Governor Glynn today by C. G. F. Wahle, their attorney, failed to change the executive's position in his refusal to grant them a reprieve.

"I have received and read your supplemental application in the case of your clients," the governor telegraphed Wahle tonight. "I find nothing therein which I had not previously considered and nothing to justify a change of my decision."

This communication came to the governor by mail. Another, said to have been despatched by messenger, had failed to arrive tonight. It was understood that the latter message set forth alleged new evidence tending to implicate Harry Vallon, Sam Schepps, Bridgie Weber and Jack Rose, and to exonerate the convicted gunmen.

Besides receiving the memorandum, the governor today heard a personal appeal from Mrs. William Vanamee of Newburgh, wife of an attorney for the convicted men. Mrs. Vanamee was accompanied to Albany by the mother of "Lefty Louie" Rosenberg but the executive saw Mrs. Vanamee alone. Her appeal was based mainly on an appeal to his conscience. The governor's answer was that his decision was final.

One of the arguments made to the governor has been that he should not allow the gunmen to die during the feast of the passover inasmuch as three of them are Jews. It is within the legal right of Warden Clancy of Sing Sing to delay the executions until after that period has passed if he desires.

The feast started at sundown tonight and orthodox Jews celebrate it for eight days. The court of appeals sentenced the gunmen to die during "the week beginning April 13." Thus the holiday will end next Saturday at sundown and the executions would not have to take place, according to law, until midnight Saturday night. Saturday, however, being the Jewish Sunday, there has been severe objection made to the executing of the men on that day.

**FAMOUS WILL CASE.**

Counsel For Russell Estate Asks Court's Interpretation.

Boston, April 10.—The famous Russell will case was again brought to the attention of the court today when counsel for the estate asked for an interpretation of the clause implying that Daniel Blake Russell, who was missing at the time of the drawing of the instrument, would share equally with William C. Russell, the eldest son, in the event of the former's return within twenty years of his father's death.

Since the death of Daniel Russell, the father, two claimants have appeared, one from Dickinson, N. D., and the other from Fresno, Cal. After extended litigation, the Dakota claimant twice was declared an imposter. The Californian has been accepted by the family.

Counsel for the estate also asked the court to ratify provisions of the will whereby William C. Russell, now deceased, became a legatee.

**TWO STORMS LOCATED.**

One in North and One in South Upsets Easter Prospects.

Washington, April 10.—Two storms, one over Lake Superior and the other in western Texas, unexpectedly appeared tonight and threw new complications in the way of forecasters who struggled against heavy odds to predict the fortunes of the Easter promenades.

Weather bureau experts announced that they could not predict with any degree of certainty just what the weather would be in the east. They said there were indications that in the southeastern states and west of

the Missouri it would be fair and warm, while it might rain Sunday and Monday throughout the central and northern states north of Mississippi.

**U. S. OFFICERS HELD.**

**Gunboat's Officers Arrested by Mexicans at Vera Cruz.**  
Mexico City, April 10.—Several officers from the United States gunboat Dolphin at Tampico were arrested by the Mexican authorities, according to news reaching here today. This brought from Admiral Frank F. Fletcher an immediate demand for an explanation by the Mexican government.

The affair was reported to Admiral Fletcher, who is at Vera Cruz, by Admiral Mayo, in command of the warships at Tampico. Upon demand of Admiral Mayo, the American officers were released after being held for several hours. Their detention is said to have been on the ground of alleged violation of neutrality by going ashore carrying side arms.

Admiral Fletcher is said to have demanded the arrest of the Mexican officials who were responsible for the arrest of the Americans.

**MINES TO CLOSE.**

Philadelphia, April 10.—Bituminous coal operators representing 85 per cent of the Central Pennsylvania district today decided by a vote of 30 to 2 to close their mines pending the signing of a new wage agreement with their employees.

**DOWAGER EMPRESS DEAD.**

Tokio, April 11.—The body of the dowager empress, who died Thursday at Namazu, arrived here tonight. It was transported to the palace through streets lined with troops. Five hundred thousand persons stood with uncovered heads as the body passed. An official announcement of the dowager's death was made.

**ARMY OF UNEMPLOYED.**

Colorado Springs, April 10.—One hundred and sixty-two members of the army of the unemployed from California were guests of the city today at Roswell, a railroad town north of here, where they awaited a freight train east. According to their spokesman, they are on their way to Washington to join in a demonstration at the capital.

**MURDERER PLEADS GUILTY.**

Galesburg, Ill., April 10.—Robert Higgins today pleaded guilty to the murder of his wife, whom it was charged he shot to death because of his love for Julia Flake, his stepdaughter.

Miss Flake was not arraigned for collusion in the crime, though she had written letters to an uncle and his son requesting them to kill her mother. Owing to her youth and the influence exerted by Higgins it was decided that she was not criminally at fault.

**MINE WAGES LOW.**

Terre Haute, Ind., April 10.—There are engineers and firemen employed in mines of Indiana who are compelled to work 84 hours a week for \$75 a month. This declaration was made today by William Houston, president of district No. 11, United Mine Workers of America, at America at the joint conference of miners and operators in session here to negotiate a new wage scale. President Houston was speaking of the miners' demand for an eight hour day for the engineers.

**PITCHER JUMPS CONTRACT.**

St. Louis, April 10.—President Dan Johnson of the American League, August Herman, chairman of the national baseball commission, and an array of lawyers will confer with President Hedges of the St. Louis Americans here Sunday as to what action organized ball shall take in regard to the action of Pitcher Earl Hamilton in jumping his contract with the St. Louis Americans to play with the Kansas City Federals.

**TO INVEST POSTAL FUNDS.**

Denver, April 10.—Legislation for the investment of postal savings bank funds in the bonds of irrigation districts and for the underwriting of irrigation district bonds by the United States reclamation service was recommended in a report today by the irrigation district committee of the irrigation conference.

**CULLOP NOMINATED.**

Vincennes, Ind., April 10.—Congressman William A. Cullop was declared the democratic nominee for congress from the Second Indiana district by the board that this afternoon canvassed returns of Wednesday's primary. Official returns showed Mr. Cullop received 8,353 votes and Charles D. Hunt 8,340.

## AMERICANS ARRESTED

OFFICERS FROM UNITED STATES GUNBOAT HELD BY MEXICANS AT TAMPICO.

ADMIRAL FORCES RELEASE

Demanded an Apology and Gave Mexican Authorities Until Six O'Clock to Salute the American Colors—Huerta Hastily Apologizes

Mexico City, April 10.—A launch from the United States gunboat Dolphin, carrying the paymaster and a small detachment of marines, put in yesterday at Iturbide bridge at Tampico. The Americans were after a supply of gasoline. They were in uniform but unarmed. The launch flew the American flag.

Colonel Hinojosa, commanding a detachment of Mexican federales, placed the paymaster and his men under arrest. They were paraded through the streets and held for a time under detention.

Admiral Mayo made vigorous representations to the authorities and the men were released.

General Ignacio Zaragoza expressed to Admiral Mayo his regret. Although President Huerta in an official statement to American Charge O'Shaughnessy has apologized for the unusual zeal of the Mexican commander at Tampico, there exists here tonight great uneasiness because Admiral Mayo is reported to have given the government authorities at Tampico until 6 o'clock this evening to salute the American colors.

President Huerta's statement was not received by Mr. O'Shaughnessy until after 6 o'clock and it was considerably later before communication with General Zaragoza was possible. The statement was as follows:

"In view of the fact that the charge d'affaires of the United States hears that the whaleboat carrying the American sailors was flying the flag of his country, an investigation will be made to establish the responsibility of Colonel Hinojosa. In accord with the line of conduct which the government of Mexico always has followed in fulfillment of its duties of an international character regarding all nations, it deprecates what has occurred.

"This case has grown out of nothing more than a mistake of subordinate officers since the superior in rank, General Zaragoza, immediately proceeded to point out that what had happened was unintentional and imposed on Colonel Hinojosa disciplinary punishment within the faculty of said General Zaragoza.

"If the investigation to be made should develop greater responsibility on the part of Colonel Hinojosa, a corresponding penalty will be imposed upon him by the authorities legally competent in the case."

Rear Admiral Fletcher, ranking admiral of the Gulf, who is now at Vera Cruz, has forwarded to Charge O'Shaughnessy Admiral Mayo's report to him in which the latter says the paymaster and marines "were marched through the streets two blocks, then back to their boat and released."

In view of the publicity, Rear Admiral Mayo asked for a disavowal and apology and also that the officer in charge of the Mexican squad should be punished and that the American flag should be saluted within 24 hours.

The American charge said the incident was not first reported to him by Admiral Fletcher nor by any other American official, but that it was called to his attention by the Mexican foreign office late today. He immediately visited the foreign office and accompanied by the secretary, the foreign minister, Senator Portillo y Rojas, being out of town, called on President Huerta and suggested that he take prompt action to relieve the situation.

President Huerta was inclined to take the incident lightly and unhesitatingly agreed to make reparation. He promised an investigation and the punishment of the officer found to be at fault.

**Await News From Tampico.**

Washington, April 10.—Officials here tonight awaited anxiously the outcome of fighting at Tampico, where valuable oil property already has been destroyed and American

and other foreign-owned plants are in danger from the shells of federal gunboats. At last, reports the battle was in progress and shells were falling around the oil properties in spite of the urgent protests of Rear Admiral Mayo, commanding American warships anchored off the port.

Admiral Mayo has sent one note to the constitutional chief directing the attack on Tampico and two to General Zaragoza, the federal commander, insisting that foreign property be protected.

State and navy department officials today said that rebels and federales had been warned that the United States would regard with great disfavor the destruction of any foreign property.

No specific orders have been given Admiral Mayo as to what he shall do in the event his representations are ignored.

Reports to the state department today said several oil tanks had been struck by shells; that one was on fire and that oil was running into the river. While the state department announcement did not mention which plant was on fire, it is supposed to be the one reported aflame by Admiral Mayo last night.

In addition to the half dozen American ships off Tampico, France, Spain, Germany and Great Britain have war craft there.

Little concern is felt for foreigners in Tampico except Spaniards, but it is reported that the rebels threaten to exile all of that nationality if they occupy the city, just as they did at Torreon. There are said to be 700 or 800 Spaniards in the besieged port.

The latest word from General Carranza was that he was not disposed to overrule General Villa's action in ordering the expulsion from Torreon. Consular Agent Carothers at El Paso, however, has been instructed to continue to protest and to say that the United States asks that all cases of obnoxious foreigners be settled individually and that deportations be ordered individually and not en masse because the undesirable happen to be Spaniards.

The Red Cross at El Paso reported today that the Spanish exiles had declined assistance. Many refugees are persons of wealth and for the present the well-to-do are sharing their fortunes with their less favored compatriots.

Meanwhile, officials are without information concerning the reported resumption of fighting in the Torreon district. The state department was informed today that the band of Zapatistas that captured Chihuahua, had taken Iguala, on the railway to the southwest. They plan an attack on Acapulco to gain a port on the Pacific coast. The railroad between San Luis Potosi and Tampico is cut and no freight is moving, according to reports. Railroad communication from Eagle Pass, Texas, to Saltillo was opened yesterday.

**San Pedro Evacuated.**

Juarez, April 10.—San Pedro, 40 miles northeast of Torreon, was evacuated by the federales in the face of superior numbers today, according to a report from General Villa to General Carranza.

Eight days ago General Ortega, with only a brigade, attacked the town, which lies on a plain and offers no cover. The command found the federales unexpectedly strong and last Tuesday retreated to await reinforcements. These had come up today and an enveloping movement was begun. Detecting this, the federales forsook the city.

No advices were available as to the whereabouts of General Velasco, who evacuated Torreon eight days ago, but rebels believe he had not joined another force of federales said to be under General Hidalgo in Saltillo. The refugees from Torreon brought word yesterday that the junction had been formed giving Velasco a combined force of about 12,000 men.

Unconfirmed rumors were afloat today that Tampico had fallen.

General Carranza, who announced his intention of departing for Chihuahua tomorrow, said he expected to stay there only a few days before going to Torreon to establish new headquarters there.

Another report said a rebel detachment from the brigade of General Gutierrez met a detachment of federales at Masmesas, a short distance north of San Luis Potosi, killing 46, the remainder falling back on the main force in the city.

Sixty carloads of cotton confiscated at Torreon arrived here tonight.

**RESPECT BRITISH PROPERTY.**

El Paso, Tex., April 10.—As a result of representations by British Consul H. C. Myles, of El Paso, to Gen. Carranza regarding the security of British mining property in northeastern Mexico, Gen. Carranza late today addressed notes to Gen. Jesus Carranza and other rebel chiefs in that territory instructing that British personal and property rights must be respected.

## FREE TOLLS TO COLOMBIA

IS PROVIDED IN THE NEW TREATY SIGNED BETWEEN U. S. AND COLOMBIA.

WAR SHIPS TO PAY NO TOLLS

Secretary Bryan Explains That It Is the Same Terms Under Which Secretary Root Negotiated Peace With South American Government.

Washington, April 10.—Free use of the Panama canal by Colombian warships, troop ships and army and navy supply vessels is proposed in the new treaty between the United States and Colombia signed at Bogota Tuesday, to heal the breach between the two countries over the separation of Panama.

Secretary Bryan announced this today with the explanation that the clause in the convention was identical with one in the Colombian treaty negotiated by Secretary Root in 1909 with the approval of Great Britain, and ratified by the United States senate though never accepted by Colombia. Mr. Bryan's statement followed a conference at the state department with Senator O'Gorman, chairman of the senate canal committee which has under consideration the bill repealing the clause of the Panama canal act exempting American coastwise shipping from canal tolls.

Senator O'Gorman, who is leading democratic opposition to the president's repeal policy, went back to the capital, carrying new ammunition for his fight. He would not discuss the matter himself but other opponents of exemption repeal pointed to the fact that Great Britain in 1909 had agreed to preferential treatment for Colombian vessels because of Colombia's peculiar relation to the canal as evidence that Great Britain and President Wilson now are putting a new construction on the words "all nations" in the clause of the Hay-Pauncefote treaty, guaranteeing equal treatment to the vessels of the nations of the world using the canal.

Their claim is that these words were not intended to apply to the United States, the owner of the canal, and they will urge the admission of Great Britain in the Colombian matter as proof.

Mr. Bryan said the treaty signed at Bogota employs the language of the Root-Cortez ship canal treaty, granting the use of the waterway to "the troops, materials, for war and ships of war of the Republic of Colombia without paying any duty to the United States even in the case of an international war."

Mr. Bryan would not say whether the acceptance by all concerned of the tripartite treaties would solve all of the problems pending between Panama, Colombia and the United States.

**NEW TRIAL DENIED.**

Judge Refuses Review of the Powder Makers' Case.

Trenton, N. J., April 10.—Judge Relistab in federal court today denied a new trial in the suit of the Buckeye Powder Company against the E. I. DuPont De Nours Company. The Buckeye Company alleged that improper letters, papers and other matter were admitted to the jury room prejudicial to the interests of the plaintiff.

Judge Relistab found that counsel failed to exercise due diligence in supervising papers admitted to the jury room, though he found that several of the papers were not such as to influence the jurymen against the Buckeye Company.

The Buckeye Company sued for \$5,000,000 damages for loss of business. After a trial lasting five months, a verdict of no cause for action was rendered.

**GOVERNOR WORKS ROAD.**

Aurora, Ill., April 10.—Governor Dunne of Illinois, in overalls and jumper, will work with pick and shovel on the Aurora-Elgin highway April 15 with hundreds of other distinguished citizens as fellow laborers, it was announced today. The road will be a part of the Lincoln national highway.

Checks of one cent each will be given to all who labor, in addition to honorary membership cards in the American Federation of Labor.